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EXAMINER

SHAW, PELING ANDY

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/021,621	Applicant(s) HORVITZ ET AL.	
	Examiner PELING A. SHAW	Art Unit 2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-85 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-85 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the Appeal Brief Filed dated 10/27/2009, PROSECUTION IS HEREBY REOPENED. New grounds of rejection, i.e. claims 1-39 and 41-85 are rejections under 35 U.S.C. 101 is presented below in section 6. Claims 1-85 are currently pending.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

- 2. Amendment received on 11/21/2007 was entered into record. Claims 1, 41 and 55 were amended.
- 3. Applicant's submission filed on 05/14/2007 was entered. Claims 1, 23, 40-41, 55 and 78-81 were amended.
- 4. Amendment received on 07/11/2005 was entered. Claims 1, 13, 23, 25, 40-41, 55 and 78 were amended.

Priority

- 5. This application claims benefit of 60/255,016 on 12/12/2000. The filing date is 12/12/2001.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-39 and 41-85 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

- a. Claim 1 recites the limitation of “a user interface ..., comprising: a display providing one or more display objects ...; and one or more inputs associated with the display objects to ...” where there is no specific hardware components described to be used to implement the user interface and thus render the claim not with proper limitations to identified as a process, machine, manufacture, or composition of matter. Claim 1 and its dependent claims 2-22 are rejected as not conforming U.S.C. 101. For the purpose of applying art, claims 1-22 are examined as system claims implemented with proper hardware limitations.
- b. Claim 23 recites the limitation of “a method associated with message delivery, comprising: generating a priority ...; determining an expected loss ...; determining an expected cost of outputting ...; and alerting a user of the message ...” wherein there is no specific hardware component that is described to be used to implement the method and thus render the claim not with proper limitations to support its described method. Claim 23 and its dependent claims 24-39 are thus rejected as not conforming 35 U.S.C. 101. For the purpose of applying art, claims 23-39 are examined as method claims implemented with proper hardware limitations.

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- c. Claim 41 recites the limitation of “a method for delivering messages to a device, comprising: scheduling a period when ...; configuring at least one set of parameters for ...; assigning priority values to one or more messages, wherein ...; and delivering the one or more messages based at least ...” wherein there is no specific hardware component that is described to be used to implement the method and thus render the claim not with proper limitations to support its described method. Claim 41 and its dependent claims 42-54 are thus rejected as not conforming 35 U.S.C. 101. For the purpose of applying art, claims 41-54 are examined as method claims implemented with proper hardware limitations.
- d. Claim 55 recites the limitation of “a method for adaptive prioritization and routing system, comprising: one or more controls and displays to at least one of acquire user preferences, ...; a user interface associated with the one or more controls and displays that facilitates inspection ...” wherein there is no specific hardware component that is described to be used to implement the method and thus render the claim not with proper limitations to support its described method. Claim 55 and its dependent claims 56-77 are thus rejected as not conforming 35 U.S.C. 101. For the purpose of applying art, claims 55-77 are examined as method claims implemented with proper hardware limitations.
- e. Claim 78 recites the limitation of “a method for adaptive prioritization and routing system, comprising: one or more controls and displays to acquire message priority ...; a user interface associated with the one or more controls and displays that provides at least ...” wherein there is no specific hardware component that is described to be used

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to implement the method and thus render the claim not with proper limitations to support its described method. Claim 78 and its dependent claims 79-85 are thus rejected as not conforming 35 U.S.C. 101. For the purpose of applying art, claims 78-85 are examined as method claims implemented with proper hardware limitations.

Appropriate corrections are required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 9-10, 19 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith, et al., (US 6,463,462 B1), hereinafter referred as Smith.

- a. Regarding claim 1. Smith disclosed a user interface to manage electronic messages, comprising: a display providing one or more display objects associated with delivery of one or more messages, the messages being automatically classified according to a respective priority value; and one or more inputs associated with the display objects to facilitate adaptation of the user interface to one or more preferences of a user (Figs. 4 and 20-22; column 6: line 1-39; column 10, line 57-60: The message form displays the quantity and type of devices to receive messages, as obtained from the various collective recipient profiles; column 11, line 33-37: any recipients of system messages that are not profiled will receive e-mail by default, with a reminder to set up their profile to take full advantage of the communications, scheduling and priority extensions to enhance their business productivity), the one or more inputs includes at least one or more user preferences for assembling a priority value to a voice message

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- based upon a predetermined priority associated with a communication channel from which the message is received (Fig. 4, column 6, lines 1-30: profile manager, selection of devices including e-mail, voicemail, fax, pager, telephone and wireless communication devices, create a profile for each priority add devices).
- b. Regarding claim 2, Smith disclosed the system of claim 1, the one or more display objects including one or more profiles that relate to a time and manner of delivery of the one or more messages (column 6, line 21-23: Upon selection of profile manager 162, the user chooses 172 to create a profile 174 for each priority; column 6, line 31-33: Upon selection of schedule manager 164, the user chooses 178 to add a new schedule 180 by assigning profiles previously created to date formulas; column 6: line 13-15: Upon selection of device manager 160, the user chooses 166 to add and configure new devices 168 for receipt of messaging information sent by the system 10).
- c. Regarding claim 3, Smith disclosed the system of claim 2, the one or more profiles relating to an active profile and a default profile configurable by the user (column 11, lines 33-37 and 59-67: recipient not profiled receive by default, setup profile reminder, system default).
- d. Regarding claim 4, Smith disclosed the system of claim 2, the one or more profiles are associated with one or more delivery options for sending the messages to a device (column 6: line 13-15: Upon selection of device manager 160, the user chooses 166 to add and configure new devices 168 for receipt of messaging information sent by the system 10).

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- e. Regarding claim 5, Smith disclosed the system of claim 4, the one or more delivery options including at least send messages to a mobile device (column 6: line 15-17: These include multiple e-mail, voicemail, fax, pager, telephone and wireless communication devices).
- f. Regarding claim 9, Smith disclosed the system of claim 2, the one or more profiles including at least one of a calendar and time setting associated with the one or more display objects (column 9, line 18-20: Finally, the recipient selects the "schedules" tab so that the recipient can assign the various profiles to dates and times).
- g. Regarding claim 10, Smith disclosed the system of claim 2, the one or more profiles are associated with at least one of work, home, out of office and do not disturb (column 6, line 24-26: The profile designates locations such as work, home, vacation, travel office, travel accommodations and other user preferences).
- h. Regarding claim 19, Smith disclosed the system of claim 1, further comprising one or more device options relating to how messages are displayed on a device (column 6, line 42-44).
- i. Regarding claim 22, Smith disclosed the system of claim 19, the one or more device options further comprising configuring display information relating to a sender of the messages (column 2, line 28-35).

Smith disclosed all limitations of claims 1-5, 9-10, 19 and 22. Claims 1-5, 9-10, 19 and 22 are rejected under 35 U.S.C. 102(e).

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8. Claims 23-26 and 34-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Robert M. Losee, Jr. (Minimizing Information Overload: The Ranking of Electronic Messages), hereinafter referred as Losee.

- a. Regarding claim 23, Losee disclosed a method associated with message delivery, comprising: generating a priority associated with a message, wherein the message is assigned a predetermined priority associated with a communication channel from which the message is received (abstract; 1st paragraph in section 4 on page 182: from one's superior, organization, specified topic); determining an expected loss of non-review of the message at a current time based at least on the message priority and an expected rate of lost opportunity for the user resulting from non-review of the message as a function of time; determining an expected cost of outputting the message at the current time; and alerting a user of the message in response to determining that the expected loss is greater than the expected cost (page 181, left column, last paragraph-page 182, right column, 1st paragraph).
- b. Regarding claim 24, Losee disclosed the method of claim 23, the expected loss of non-review comprises determining a likelihood that the user will review message text at a future time (page 181, left column, last paragraph-page 182, right column, 1st paragraph).
- c. Regarding claim 25, Losee disclosed the method of claim 23, the expected loss of non-review comprises determining a current expected rate of lost opportunity for the user resulting from non-review of the message as a function of time is non-linear (page 181, left column, last paragraph-page 182, right column, 1st paragraph).

- d. Regarding claim 26, Losee disclosed the method of claim 23, wherein the priority is generated by a classifier configured as at least one of a Bayesian classifier and a support-vector machine classifier (page 182, left column, 2nd and 3rd paragraphs).
- e. Regarding claim 34, Losee disclosed the method of claim 23, further comprising determining an expected criticality for the prioritized messages (page 181, left column, last paragraph-page 182, right column, 1st paragraph).
- f. Regarding claim 35, Losee disclosed the method of claim 34, wherein the expected criticality (EC) is expressed as:

$$EC = \sum_i C^d(H_i) p(H_i | E^d)$$

wherein C is a cost function that relates to a cost rate at which cost is accrued, d is a delay, E is an event, and H is a criticality class (page 181, left column, last paragraph-page 182, right column, 1st paragraph).

- g. Regarding claim 36, Losee disclosed the method of claim 34, wherein the expected criticality is expressed as a function of time (page 181, left column, last paragraph-page 182, right column, 1st paragraph).
- h. Regarding claim 37, Losee disclosed the method of claim 36, an expected loss is expressed as at least one of:

$$EL = \sum_i^n p(\text{critical}_i) C(\text{critical}_i) t; \text{ and}$$

$$EL = \int_0^t p(\text{critical}_i) C(\text{critical}_i, t) dt$$

wherein EL is an expected loss, p(critical_i) is a probability that a message has criticality i, C(critical_i) is a cost function for the message having the criticality i, n is

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a total number of criticality classes minus one, and t is the time delay before reviewing the message (page 181, left column, last paragraph-page 182, right column, 1st paragraph).

- i. Regarding claim 38, Losee disclosed the method of claim 37, the expected loss is expressed as at least one of:

$$EL' = \sum_j p(t_j|E) \sum_i^n p(\text{critical}_i) C(\text{critical}_i) t_j; \text{ and}$$

$$EL' = \sum_j p(t_j|E) \int_0^{t_j} p(\text{critical}_i) C(\text{critical}_i, t) dt$$

wherein EL is an uncertainty in time of delay, E represents one or more observations about a user state, and i and j are indexes, i and j being integers (page 181, left column, last paragraph-page 182, right column, 1st paragraph).

- j. Regarding claim 39, Losee disclosed the method of claim 38, E is at least one of a calendar, a room acoustic, a desktop activity, a time since last touched an active device (page 181, right column, section 4, first paragraph: schedule, feature).

Losee disclosed all limitations of claims 23-26 and 34-39. Claims 23-26 and 34-39 are rejected under 35 U.S.C. 102(b).

9. Claim 40 is rejected under 35 U.S.C. 102(e) as being anticipated by Smith.
- a. Smith shows (claim 40) a user interface to manage electronic messages, comprising: means for providing graphical displays associated with one or more messages that have been automatically classified according to a priority of the respective messages; and means for configuring the graphical displays according to one or more user preferences associated with the priority and delivery of the one or more messages (Figs. 4, 20-22; column 6: line 1-39; column 10, line 57-60: The message form

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displays the quantity and type of devices to receive messages, as obtained from the various collective recipient profiles), the one or more user preferences includes one or more deferral policies that are given as bounds such that a message of a particular priority will not wait more than a predetermined amount of time before being displayed to a user (column 11, lines 17-28: enter schedule, message priority and message devices he wished to be contacted through).

Smith disclosed all limitations of claim 40. Claim 40 is rejected under 35 U.S.C. 102(e).

10. Claims 41-51 are rejected under 35 U.S.C. 102(b) as being anticipated by Juha Takkinen (CAFE: A Conceptual Model for Managing Information in Electronic Mail), hereinafter referred to as Takkinen.

- a. Regarding claim 41, Takkinen disclosed a method for delivering messages to a device, comprising: scheduling a period when one or more user profiles are activated (page 47, section 3: CAFE, busy, cool and curious modes); configuring at least one set of parameters for the one or more profiles (page 47, right column, line 41-45; page 52, section 6, 1st paragraph); assigning priority values to one or more messages (page 48, left column, 2nd paragraph: busy mode), wherein a message is assigned a priority value based upon a predetermined priority associated with a communication channel from which the message is received (page 47, left column, last paragraph: incorporate handling of priorities of messages and forms for special type of messages, e.g. meeting, phone message); and delivering the one or more messages based at least in part on the priority values, the profile that is activated, and the at least one set of parameters (page 47, section 3: CAFE, busy, cool and curious modes).

- b. Regarding claim 42, Takkinen disclosed the method of claim 41, further comprising assigning at least one of a color and a sound to indicate the priority of the messages (page 45, section 2.2; page 46, section 2.3).
- c. Regarding claim 43, Takkinen disclosed the method of claim 41, further comprising deferring messages until a more convenient time established by the user (page 52, section 6, 1st paragraph: calendar).
- d. Regarding claim 44, Takkinen disclosed the method of claim 41, further comprising providing status information relating to why a message is of a determined priority (page 48, left column, 2nd and 4th paragraphs: busy and curious modes).
- e. Regarding claim 45, Takkinen disclosed the method of claim 41, further comprising observing a previous history of activity and providing feedback as to a message delivery volume based upon the history (page 48, left column, 2nd and 4th paragraphs: curious modes; page 51, section 5, 3rd paragraph).
- f. Regarding claim 46, Takkinen disclosed the method of claim 41, further comprising employing an information agent to consider restrictions from other parties before delivering the one or more messages (page 47, left column, line 20-24).
- g. Regarding claim 47, Takkinen disclosed the method of claim 41, further comprising activating one or more rules that operate to influence when messages are sent to a user (page 47, left column, 3rd and 6th paragraphs, page 50, section 41, 1st paragraph, page 51, section 5, 3rd paragraph).
- h. Regarding claim 48, Takkinen disclosed the method of claim 47, the one or more rules include an if and then construct such that if an event occurs then a message is

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- automatically assigned a predetermined priority (page 47, left column, 6th paragraphs: groupware, group schedule).
- i. Regarding claim 49, Takkinen disclosed the method of claim 47, the one or more rules include an if and then construct such that if an event occurs then a priority value of a learning process is disclosed (page 46, left column, 1st paragraph; page 49, left column, last paragraph-right column, 1st and 2nd paragraph; page 51, left column, section 5, 3rd paragraph).
 - j. Regarding claim 50, Takkinen disclosed the method of claim 41, the one or more rules include an if and then construct such that if a message is received from a selected communications channel, then a message is automatically assigned a predetermined priority (page 47, left column, 6th and last paragraphs: route, print, and phone message; page 51, left column, 2nd paragraph: voice).
 - k. Regarding claim 51, Takkinen disclosed the method of claim 41, further comprising automatically reviewing messages by an order determined by the priority value (page 47, left column, 2nd, 6th and last paragraphs).

Takkinen disclosed all limitations of claims 41-51. Claims 41-51 are rejected under 35 U.S.C. 102(b).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art

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to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 13 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith, and further in view of Wright, et al. (US 6,078,568 A), hereinafter referred to as Wright.

- a. Smith shows claims 1-2, 4 and 19 as above. Smith does not show (claim 6) the delivery options including chunking options, the chunking options comprise at least one of holding and delivering messages until a predetermined time specified by the user, holding and delivering messages until a predetermined number of messages have accumulated, and holding and delivering messages based upon a predetermined inactivity of a computer.
- b. Wright shows (claim 6) the delivery options including chunking options, the chunking options of holding and delivering messages until a predetermined time specified by the user, holding and delivering messages until a predetermined number of messages have accumulated (column 27, line 26-34: wait for a predetermined number of data packets to be queued or for an implementation specific time) in an analogous art for the purpose of transmitting data packets over radio network using carrier sense multiple access (CSMA).
- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Smith's functions of delivering messages and processing message responses with Wright's functions of delivering e-mails to devices.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to integrate e-mail delivery control per Wright's teaching

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- into a universal message management system as per Smith's teaching (column 11, line 33-37: take full advantage of the communications, scheduling and priority extensions to enhance their business productivity).
- e. Regarding claim 13, Wright ~~shows~~ the one or more display objects including a reset of the amount of messages sent to the device (column 27, line 26-34: Prior to exiting from the idle state (1), the subscriber MAC layer shall set a state variable of the No.sub.-- Tx.sub.-- Attempts to zero).
 - f. Regarding claim 21, Wright ~~shows~~ the one or more device options further comprising limiting a number of messages sent (column 13, line 13-18), limiting the number of characters in the messages (column 10, line 2-6), and automatically resetting the number of messages sent,

Together Smith and Wright disclosed all limitations of claims 6, 13 and 21. Claims 6, 13 and 21 are rejected under 35 U.S.C. 103(a).

12. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith and further in view of Cooper, et al., (US 6757362 A), hereinafter referred as Cooper.

- a. Smith ~~shows~~ claims 1-2 as above. Smith ~~dose not show~~ (claim 7) the one or more profiles have an associated priority setting such that messages are transmitted based upon a threshold configurable by the user.
- b. Cooper ~~shows~~ (claim 7) the one or more profiles have an associated priority setting such that messages are transmitted based upon a threshold configurable by the user (column 43, line 25-29: To change the tempo of the VA, the slider dragged to the desired position. For example, a user would set the tempo to slow when first learning

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- how to use the VA, and after becoming more familiar with the VA, the tempo could be set to fast) in an analogous art for the purpose of assigning a tempo threshold for virtual assistant to recognize a command via a user voice input.
- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Smith's functions of delivering messages and processing message responses with Cooper's slide adjustment function.
 - d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to integrate profile management functions per Cooper's teaching into a universal message management system per Smith's teaching (column 11, line 33-37: take full advantage of the communications, scheduling and priority extensions to enhance their business productivity).
 - e. Regarding claim 8, Cooper shows the priority setting associated with a display object having a slider to adjust the threshold, the threshold having a range from high priority messages sent to all messages sent to a mobile device (column 43, line 25-29: To change the tempo of the VA, the slider dragged to the desired position. For example, a user would set the tempo to slow when first learning how to use the VA, and after becoming more familiar with the VA, the tempo could be set to fast).

Together Smith and Cooper disclosed all limitations of claims 7-8. Claims 7-8 are rejected under 35 U.S.C. 103(a).

13. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith, Badt, Eric and further in view of Matthew Marx (CLUES: Dynamic Personalized Message Filtering), hereinafter referred as Marx.

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- a. Smith shows claim 1 as above. Smith does not show (claim 11) the one or more display objects including status information associated with an amount of learning that has been achieved by a priorities system.
- b. Marx shows (claim 11) gathering the status information associated with an amount of learning that has been achieved by a priorities system (page 114, left column, last paragraph-right column first paragraph) in an analogous art for the purpose of dynamic personalized message filtering.
- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Smith's functions of delivering messages and processing message responses with Marx's personalized message filtering feature.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to integrate viewing the feedback learning status per Marx's teaching into a universal message management system per Smith's teaching (column 11, line 33-37: take full advantage of the communications, scheduling and priority extensions to enhance their business productivity).

Together Smith and Marx disclosed all limitations of claim 11. Claim 11 is rejected under 35 U.S.C. 103(a).

14. Claims 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith and further in view of Eggleston et al. (US 6101531 A), hereinafter referred as Eggleston.

- a. Smith shows claims 1 and 19 as above. Smith does not show (claim 12) the one or more display objects selectable to send a summary of information to a device associated with the one or more messages.

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- b. Eggleston shows (claim 12) the one or more display objects selectable to send a summary of information to a device associated with the one or more messages (column 3, line 21-39) in an analogous art for the purpose of sending messages to a wireless client.
- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Smith's functions of delivering messages and processing message responses with Eggleston's functions of sending message summary and compressing message.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to integrate selecting message to be viewed on a device and compressing message for delivery over a low bandwidth device per Eggleston's teaching into a universal message management system per Smith's teaching (column 11, line 33-37: take full advantage of the communications, scheduling and priority extensions to enhance their business productivity).
- e. Regarding claim 20, Eggleston shows the one or more device options further comprising a selectable compression setting to control the amount of information displayed (column 11, line 67-column 12, line 7).

Together Smith and Eggleston disclosed all limitations of claims 12 and 20. Claims 12 and 20 are rejected under 35 U.S.C. 103(a).

15. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith and further in view of Jonathan Isaac Helfman et al. (Ishmail: Immediate Identification of Important Information), hereinafter referred as Helfman.

- a. Smith shows claim 1 as above. Smith does not show (claim 14) the one or more display objects comprising one or more rules configurable by the user to effect delivery of the messages to a device, the one or more rules including selection options of at least one of sending messages based on importance, sending messages based on the user's name and a TO field, sending messages based on the user's name and a CC field, and sending messages based on a source of the message.
- b. Helfman shows (claim 14) the one or more display objects comprising one or more rules configurable by the user to effect delivery of the messages to a device (page 5, right column, paragraph 5; page 2, left column, 3rd paragraph), the one or more rules including selection options of at least one of sending messages based on importance, sending messages based on the user's name and a TO field (page 6, left column, 3rd paragraph), sending messages based on the user's name and a CC field (page 6, left column, 3rd paragraph), and sending messages based on a source of the message (page 6, left column, 3rd paragraph) in an analogous art for the purpose of identifying important messages.
- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Smith's functions of delivering messages and processing message responses with Helfman's functions of setting rule in delivering specific messages to a specific device.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to integrate filtering of message delivery to a specific device (location) based upon the role, identification and origination of message per

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Helfman's teaching into a universal message management system per Smith's teaching (column 11, line 33-37: take full advantage of the communications, scheduling and priority extensions to enhance their business productivity).

Together Smith and Helfman disclosed all limitations of claim 14. Claim 14 is rejected under 35 U.S.C. 103(a).

16. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith and further in view of Abu-Hakima (US 6499021 B1), hereinafter referred as Abu-Hakima.

- a. Smith shows claim 1 as above. Smith does not show (claim 15) further comprising providing feedback to the user via the one or more display objects regarding learning associated with a priorities system.
- b. Abu-Hakima shows (claim 15) further comprising providing feedback to the user via the one or more display objects regarding learning associated with a priorities system (column 11, line 19-25) in an analogous art for the purpose of intelligently managing electronic messages.
- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine Smith's functions of delivering messages and processing message responses with Abu-Hakima's functions of automatic user knowledge and behavior learning system.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to integrate automatic user knowledge and behavior learning functions per Abu-Hakima's teaching into a universal message management system per Smith's teaching (column 11, line 33-37: take full advantage of the

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- communications, scheduling and priority extensions to enhance their business productivity).
- e. Regarding claim 16, Abu-Hakima shows the feedback includes information relating to learning when messages are deleted by the user (column 10, lines 24-40).
 - f. Regarding claim 17, Abu-Hakima shows the feedback includes information relating to where messages are learned from (column 10, lines 41-46).
 - g. Regarding claim 18, Abu-Hakima shows further comprising at least one of back-up, restore, and reset options regarding the learning (column 10, lines 41-64).

Together Smith and Abu-Hakima disclosed all limitations of claims 15-18. Claims 15-18 are rejected under 35 U.S.C. 103(a).

17. Claims 27-33 are rejected under 35 U.S.C. 103(a) as being unpatentable Losee and further in view of Eggleston.

- a. Losee shows claim 23 as above. Losee does not show (claim 27) further comprising providing a current profile selected from one of a plurality of profiles, at least a portion of the plurality of profiles editable by the user to reflect a different context.
- b. Eggleston shows (claim 27) further comprising providing a current profile selected from one of a plurality of profiles, at least a portion of the plurality of profiles editable by the user to reflect a different context (column 5, line 49-54; column 8, line 23-26) in an analogous art for the purpose of sending messages to a wireless client.
- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to add Eggleston's communication server functions, message

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- formatting, compressing and packetization functions into Loose's Message Presentation System after the messages is ranked and selected per decision rule.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to combine user-definable message filtering profile functions, message formatting and compression functions in packet data network together with email prioritization and management functions per Eggleston's teaching (e.g. column 11, line 67-column 12, line 7).
 - e. Regarding claim 28, Eggleston shows the plurality of profiles is schedulable on a per-day and by-time basis (column 9, line 48-51).
 - f. Regarding claim 29, Eggleston shows the plurality of profiles provides a chunk setting such that the message is delivered to a communications modality in conjunction with one or more other messages (column 6, line 66-column 7, line 3).
 - g. Regarding claim 30, Eggleston shows the plurality of profiles provides a chunk setting such that the message is delivered to a communications modality when a specified period has expired (column 7, line 28-37).
 - h. Regarding claim 31, Eggleston shows further comprising, prior to alerting the user, formatting the message (column 11, line 67-column 12, line 7).
 - i. Regarding claim 32, Eggleston shows the formatting comprises compressing the message (column 11, line 67-column 12, line 7).
 - j. Regarding claim 33, Eggleston shows the formatting comprises fragmenting the message (column 7, line 8-13: packetized).

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Together Losee and Eggleston disclosed all limitations of claims 27-33. Claims 27-33 are rejected under 35 U.S.C. 103(a).

18. Claims 52-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takkinen and further in view of Abu-Hakima.

- a. Takkinen shows claim 41 as above. Takkinen does not show (claim 52) further comprising automatically calling the user if the priority value is above a predetermined threshold.
- b. Abu-Hakima shows (claim 52) further comprising automatically calling the user if the priority value is above a predetermined threshold (column 7, lines 12-17) in an analogous art for the purpose of intelligently managing electronic messages.
- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Takkinen's functions of managing information in electronic mail with Abu-Hakima's functions of message forwarding and e-message media conversion agent.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to integrate audio notification and voice mail functions per Abu-Hakima's teaching into electronic mail management system per Takkinen's teaching (abstract).
- e. Regarding claim 53, Abu-Hakima shows further comprising converting audio messages into text (column 9, lines 40-65).

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- f. Regarding claim 54, Abu-Hakima shows further comprising determining a priority for the messages based upon at least one of the pitch, rate, content, and inflection of the messages (column 9, lines 40-65).

Together Takkinen and Abu-Hakima disclosed all limitations of claims 52-54. Claims 52-54 are rejected under 35 U.S.C. 103(a).

19. Claims 55-68, 70-71 and 74-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abu-Hakima in view of Wright.

- a. Abu-Hakima shows (claim 55) a user interface for an adaptive prioritization and routing system, comprising: one or more controls and displays to at least one of acquire user preferences, inspect behavior, and guide learning and decision policies of the adaptive prioritization and routing system (column 8, line 36-48; column 9, line 15-39); and a user interface associated with the one or more controls and displays that facilitates inspection, control and learning associated with alerting and routing prioritized messages (column 9, line 15-39; column 11, line 19-25). Abu-Hakima does not show (claim 55) wherein the user preferences includes a user defined amount of time of user inactivity of a message retrieval device, wherein the user defined amount of time is a threshold where messages are held back from delivery to the message retrieval device when the threshold is exceeded.
- b. Wright shows (claim 55) wherein the user preferences includes a user defined amount of time of user inactivity of a message retrieval device (column 2, lines 36-59: busy/idle by a subscriber device; column 27, line 26-34: the subscriber MAC layer is only permitted to add additional data packets to the transmission queue while in the

- idle state), wherein the user defined amount of time is a threshold where messages are held back from delivery to the message retrieval device when the threshold is exceeded (column 27, line 26-34: wait for a predetermined number of data packets to be queued or for an implementation specific time) in an analogous art for transmitting data packets over radio network using carrier sense multiple access (CSMA).
- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Abu-Hakima's functions of interpreting and managing electronic messages with Wright's functions of packet transmitting.
 - d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to integrate scheduling the message delivery to a device, e.g. mobile or across LAN, according to device's access control capability, including holding a number of messages to be delivered once per Wright's teaching into electronic mail management system per Abu-Hakima's teaching (abatract).
 - e. Regarding claim 56, Abu-Hakima shows further comprising a plurality of parameters that are configured in conjunction with various configuration and adjustment options to facilitate personalization of the user interface (column 8, line 36-48; column 9, line 15-39).
 - f. Regarding claim 57, Abu-Hakima shows the personalization includes at least one of employing explicit and implicit user feedback relating to how messages are classified and subsequently provided to the user (column 8, line 49-56).

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- g. Regarding claim 58, Abu-Hakima shows the feedback is employed to guide learning and decision policies in the adaptive prioritization and routing system (column 11, line 19-25).
- h. Regarding claim 59, Abu-Hakima shows the feedback includes dialog that is provided to users to further refine at least one of learning and decision policies in the adaptive prioritization and routing system (column 11, line 19-25).
- i. Regarding claim 60, Abu-Hakima shows the explicit feedback includes such actions as configuring the user interface to consider a selection of messages as being more important than another selection of messages and altering learning about how decisions are made regarding message urgency (column 4, line 14-26; column 11, line 19-25).
- j. Regarding claim 61, Abu-Hakima shows the implicit feedback includes monitoring various context aspects of the user to determine message importance (column 10, line 41-47).
- k. Regarding claim 62, Abu-Hakima shows the implicit feedback includes at least one of monitoring sounds, keyboard activities, presence detectors, pauses when reviewing messages, how quickly messages are opened and deleted, and whether messages are saved, copied and forwarded (column 6, line 38-41; column 10, line 50-63; column 10, line 24-30).
- l. Regarding claim 63, Abu-Hakima shows the feedback includes directing messages to the user regarding learning decisions such as at least one of "You are about to delete messages that have not yet been employed in the learning process," and messages

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relating to how and why messages were classified a certain priority (column 10, line 24-40; column 11, line 19-25).

- m. Regarding claim 64, Abu-Hakima shows further comprising one or more configuration and adjustment options that include at least one of profile options, routing options, alerting options, chunking options, schedule options, and context-sensitive control options (column 8, line 36-48).
- n. Regarding claim 65, Wright shows (claim 65) the chunking options include grouping M messages, M being an integer, the M messages are held as a group before delivery of the messages to the user (column 27, line 26-34: wait for a predetermined number of data packets to be queued or for an implementation specific time).
- o. Regarding claim 66, Abu-Hakima shows further comprising one or more rules that act in conjunction with a routing system, learning status and configuration options for guiding and inspecting the state of learning of a message urgency system (column 5, line 35-57).
- p. Regarding claim 67, Abu-Hakima shows the one or more rules including conditions that are applied in at least one of a disjunctive and a conjunctive manner (column 5, line 35-57).
- q. Regarding claim 68, Abu-Hakima shows further comprising one or more device option configurations for controlling message output to a selected message reception and display device (column 8, line 36-48; page 9, line 39-65).

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- r. Regarding claim 70, Abu-Hakima shows further comprising a priority threshold adjustment that facilitates control of how many messages are sent to a users device (column 8, line 36-48).
- s. Regarding claim 71, Abu-Hakima shows further comprising an overlay adjustment that limits the number of messages sent to the users device per a given timeframe (column 8, line 36-48).
- t. Regarding claim 74, Abu-Hakima shows further comprising one or more deferral policies that are given as bounds such that a message of a particular urgency will not wait more than at least one of a predetermined and dynamically computed upper limit of time (column 7, line 25-64).
- u. Regarding claim 75, Abu-Hakima shows the policies are at least in part based on a function of the message urgency (page 7, line 25-64).
- v. Regarding claim 76, Abu-Hakima shows a user specifies at least one of that a message of high urgency should be transmitted with an alert to one or more active devices as soon as possible and to be available for review if the user happens to inspect messages that are waiting (page 7, line 25-64).
- w. Regarding claim 77, Abu-Hakima shows further comprising a policy that if the user is more than a specified level of non-interruptability and the message has not been observed, then wait a predetermined time before alerting the user (page 7, line 25-58).

Together Abu-Hakima and Wright disclosed all limitations of claims 55-68, 70-71 and 74-77.

Claims 55-68, 70-71 and 74-77 are rejected under 35 U.S.C. 103(a).

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20. Claim 69 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abu-Hakima, Wright and further in view of Eric, et al. (The Lumiere Project), hereinafter referred as Eric.

- a. Abu-Hakima and Wright show claim 55 as above. Neither Abu-Hakima nor Wright shows (claim 69) further comprising prioritized messages having acoustical properties including at least one of prosodic features, temporal patterns of rate, pitch, inflections, and an overall energy associated with voice messages.
- b. Eric shows (claim 69) further comprising prioritized messages having acoustical properties including at least one of prosodic features, temporal patterns of rate, pitch, inflections, and an overall energy associated with voice messages (2nd paragraph on left column on page 2: acoustic clues; 5th paragraph on right column on page 5 to 3rd paragraph on left column on page 6: temporal pattern recognition with rate consideration) in an analogous art for the purpose of Bayesian user modeling for inferring the goals and needs of software users.
- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Abu-Hakima's functions of interpreting and managing electronic messages with Wright's functions of packet transmitting and Eric's functions of inferring software users with acoustic clues.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to integrate scheduling the message delivery to a device, e.g. mobile or across LAN, according to device's access control capability, including holding a number of messages to be delivered once per Wright's teaching and

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inferring software users with acoustic clues per Eric's teaching into electronic mail management system per Abu-Hakima's teaching (abatract).

Together Abu-Hakima, Wright and Eric disclosed all limitations of claim 69. Claim 69 is rejected under 35 U.S.C. 103(a).

21. Claims 72-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abu-Hakima, Wright and further in view of and Eggleston.

- a. Abu-Hakima and Wright show claim 55 as above. Neither Abu-Hakima nor Wright shows (claim 72) further comprising a threshold adjustment that is employed as a bound on the total dollars allotted for forwarding messages to a user.
- b. Eggleston shows (claim 72) further comprising a threshold adjustment that is employed as a bound on the total dollars allotted for forwarding messages to a user (column 3, line 62-67) in an analogous art for transmitting data packets over radio network.
- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Abu-Hakima's functions of interpreting and managing electronic messages with Wright's functions of packet transmitting and Eggleston's functions of message usage control.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to integrate scheduling the message delivery to a device, e.g. mobile or across LAN, according to device's access control capability, including holding a number of messages to be delivered once per Wright's teaching and usage

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and charge control function per Eggleston's teaching into electronic mail management system per Abu-Hakima's teaching (abatract).

- e. Regarding claim 73, Eggleston shows the user specifies that a system sends the most urgent messages, but at a certain cost per message by a routing company, adjust the threshold so that it would expect to stay within a certain cost per day (column 3, line 62-67).

Together Abu-Hakima, Wright and Eggleston disclosed all limitations of claims 72-73.

Claims 72-73 are rejected under 35 U.S.C. 103(a).

22. Claims 78-85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abu-Hakima in view of Eric, et al. (The Lumiere Project), hereinafter referred as Eric.

- a. Abu-Hakima shows (claim 78) a user interface for an adaptive prioritization and routing system, comprising: one or more controls and displays to acquire message priority settings associated with the adaptive prioritization and routing system (column 8, line 36-48; column 9, line 15-39); and a user interface associated with the one or more controls and displays that provides at least a user adjustable control of an amount of messages received via the message priority settings and a feedback directed to the user relating to the settings (column 8, line 36-48; column 9, line 15-39; column 11, line 19-25). Abu-Hakima does not show explicitly (claim 78) the feedback includes a quantity indicating the number of messages that would have been transmitted to a user within a specified bound in time based upon the priority settings. However Abu-Hakima also shows (column 10, line 41-63) trace and record indexed

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- store of user actions, e.g. deleting, filing and forwarding or simple reading, learning by analogy algorithm).
- b. Eric shows (claim 78) the feedback includes a quantity indicating the number of messages that would have been transmitted to a user within a specified bound in time based upon the priority settings (3rd paragraph on left column of page 5: number of actions persists, number of action that have occurred; number of actions transpired; last paragraph of left column to 1st paragraph on right column of page 8: number of times not reviewed needed) in an analogous art for the purpose of Bayesian user modeling for inferring the goals and needs of software users.
 - c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Abu-Hakima's functions of interpreting and managing electronic messages with Eric's functions of inferring software users with acoustic clues.
 - d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to integrate inferring software users with Bayesian user modeling per Eric's teaching into electronic mail management system per Abu-Hakima's teaching (abatract).
 - e. Regarding claim 79, Abu-Hakima shows the feedback includes at least one of a quantity of alerts that would have been transmitted to the user within a specified bound in time (column 7, line 25-64; column 9, line 15-39; column 11, line 19-25).
 - f. Regarding claim 80, Abu-Hakima shows further comprising monitoring user actions for each of several different routing parameters based upon a threshold on importance

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- required to send a message beyond the parameters that were employed (column 10, line 13-23).
- g. Regarding claim 81, Abu-Hakima shows further comprising a user display including at least one of what would have happened had the settings been changed, and a display for a set of thresholds along a continual scale thresholds (column 8, line 36-48; column 9, line 15-39).
 - h. Regarding claim 82, Abu-Hakima shows the feedback further comprising previously tracked numbers of messages that would have been received at different simulated values of the threshold (column 10, line 41-63).
 - i. Regarding claim 83, Abu-Hakima shows further comprising providing feedback over at least one of a day, week, and month that is displayed at respective settings so as to be reviewed by users as guides to roughly predict future behavior of the adaptive prioritization and routing system for potential settings of the threshold (column 8, line 49-56).
 - j. Regarding claim 84, Abu-Hakima shows further comprising employing recent history as a predictor of the future (column 10, line 41-63).
 - k. Regarding claim 85, Abu-Hakima shows further comprising advanced simulations that are employed to perform "what-if" analyses for at least one of different settings, parameters and policies, such that new settings can be based on an expected number of alerts per given timeframe at different settings (column 8, line 49-56).

Abu-Hakima disclosed all limitations of claims 78-85. Claims 78-85 are rejected under 35 U.S.C. 102(e).

Response to Arguments

23. Prosecution is reopened due to new grounds for rejections as per section 6 above.

Examiner's responses to applicant's arguments filed on 11/21/2007 are repeated as below per Office Action dated 02/04/2008.

- a. With respect to claim 23-26 and 34-39 rejections under 35 U.S.C. 102(b), applicant has argued that Losee does not disclose the limitation of "wherein the message is assigned a predetermined priority associated with a communication channel from which the message is received" as per page 15 of current amendment. Examiner has reviewed the relevant section of applicant's specification as per lines 16-26 on page 19. It seems that the communication channel could be a person, a device folder, e-mail or cell phone. Losee has shown (abstract; 1st paragraph in section 4 on page 182) message could be from e-mail, e-bulltin, telephone system, from a supervisor, on specific topic and a copy of message. Thus it seems to match applicant's description relevant the communication channel.
- b. With respect to applicant's argument on claim 78-85 rejections under 35 U.S.C. 102(e) as per page 16 of current amendment. Examiner has reviewed claim 78-85 rejections as per office action dated 08/24/2007 and applier prior art. Examiner has further reviewed other applied prior art, particular Eric. Examiner has found that Eric seems to have the argued limitation of "feedback includes a quantity indicating the number of messages that would have been transmitted to a user within a specified bound in time based upon the priority settings". Claim 78-85 rejections are updated as above.

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- c. With respect to applicant's argument on claim 1-5, 9-10, 19 and 22 rejections under 35 U.S.C. 103(a) as per page 17 of current amendment, applicant has amended claim 1 with the limitation of "based upon a predetermined priority associated with a communication channel form which the message is received" and argued similarly as on claims 23-26 and 34-39 rejections per page 15 of current amendment. Smith has shown ((Fig. 4, column 6, lines 1-30) a profile manager is used in the selection of devices including e-mail, voicemail, fax, pager, telephone and wireless communication devices and creating a profile for each priority add devices. It seems to match applicant's description relevant the communication channel.
- d. Applicant's arguments on dependent claim 6-8, 11-18 and 20-21 rejections are based upon the argument with respect to claim 1-5, 9-10, 19 and 22 rejection as per item c above. Similar response should apply.
- e. Applicant's arguments on dependent claim 27-33 rejections are based upon the argument with respect to claim 23-26 and 34-39 rejections as per item a above. Similar response should apply.
- f. Applicant's argument on claim 40 rejection on the limitation of "deferral policies that are given as bounds such that a message of a particular priority will not wait more than a predetermined amount of time before being displayed to a user" is reviewed. Examiner has found Smith has the argued the limitation. Claim 40 rejection is updated as above.
- g. With respect to applicant's argument on claim 41-54 rejections under 35 U.S.C. 103(a) as per page 25 of current amendment, applicant has amended the

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limitation of “a message is assigned a priority valued based upon a predetermined priority associated with the communication channel from which the message is received” similarly as on claim 1 and argued similarly as on claim 1. The same response as per item c above should apply.

- h. With respect to applicant’s argument on claim 55-77 rejections under 35

U.S.C. 103(a) as per pages 26-28 of current amendment on the limitation of “wherein the user defined amount of time of user inactivity of the message retrieval device is a threshold where messages are held back from delivery to the message retrieval device when the threshold is exceeded. Examiner has reviewed claim 55 rejection as per office action dated 08/24/2007 and the applied prior art, i.e. Abu-Hakima and Wright. Wright has shown that (column 27, lines 26-34) the subscriber MAC layer is only permitted to add additional data packets to the transmission queue while in the idle state of subscriber user; (column 27, lines 17-25) the MAC layer remains in the idle state for a minimum idle time. This is similar to the argued limitation. Applicant’s argument that all this relates to idle state for the MAC layer at the sender can be inactive while the message retrieval device at the recipient is actively being used by the user; and the message retrieval device may has many other functions that the user can be using that are not related sending and receiving messages. Examiner does not agree and would only emphasis that Wright has the argued limitation.

- i. It is the Examiner’s position that Applicant has not submitted claims drawn to limitations, which define the operation and apparatus of Applicant’s disclosed invention in manner, which distinguishes over the prior art. As it is Applicant’s right

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to claim as broadly as possible their invention, it is also the Examiner's right to interpret the claim language as broadly as possible. It is the Examiner's position that the detailed functionality that allows for Applicant's invention to overcome the prior art used in the rejection, fails to differentiate in detail how these features of applicant's specification are unique (see item a in sections 5-8 and items a-d in sections 17 and 20). Smith, Losee, Takkinen, Abu-Hakima, Wright and Eric together have disclosed substantially the general art of prioritizing, displaying and estimating loss on message delivery. It is clear that Applicant must be able to submit claim language to distinguish over the prior arts used in the above rejection sections that discloses distinctive features of Applicant's claimed invention. It is suggested that Applicant compare the original specification and claim language with the cited prior art used in the rejection section above or the Remark section below to draw an amended claim set to further the prosecution.

- j. Failure for Applicant to narrow the definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant's intent to broaden claimed invention. Examiner interprets the claim language in a scope parallel to the Applicant in the response. Examiner reiterates the need for the Applicant to more clearly and distinctly define the claimed invention.

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Remarks

24. The following pertaining arts are discovered and not used in this office action. Office reserves the right to use these arts in later actions.

- a. Theimer et al. (US 5493692 A) Selective delivery of electronic messages in a multiple computer system based on context and environment of a user
- b. Eric, et al. (Proceedings of UAI '99, Conference on Uncertainty and Artificial Intelligence, Stockholm, Sweden, July 1999, pages 305-313) Attention-Sensitive Alerting

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Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the enclosed PTO-892 for details.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peling A. Shaw whose telephone number is (571) 272-7968. The examiner can normally be reached on M-F 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Peling A Shaw/
Examiner, Art Unit 2444